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OFFICE OF PETITIONERS

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February 11, 2004

Our File 7146.0048

Mail Stop Petitions
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: **RENEWED PETITION UNDER 37 CFR 1.137(b)**
United States Patent Application Serial No. 09/455,964
For: A METHOD OF CREATING A SEMANTIC VIDEO SUMMARY USING
INFORMATION FROM SECONDARY SOURCES
Filed: December 6, 1999

Dear Sir:

Enclosed for filing is a Renewed Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 U.S.C. 1.137 (b) along with a copy of the decision on Petition dated February 4, 2004. Additionally, we enclose historical documents including an Amendment in Response dated November 21, 2003 which included a Petition for Extension of Time to Respond to the Outstanding Office Action along with an acknowledgment postcard stamped and dated by the USPTO. Also we note that the Petition Fee has been accepted previously and no fee is due at this time. We include an acknowledgment postcard herewith.

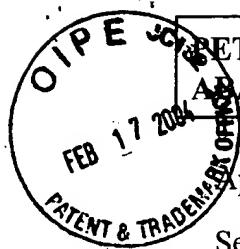
Please charge Deposit Account No. 03-1550 for any additional fees which may be required or credit any over payments to that account. A duplicate copy of this transmittal letter is enclosed.

Respectfully submitted,

W

Kevin L. Russell

KLR:djs
Enclosures



**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 U.S.C. 1.137(B)**

Docket No.
KLR 7146.0048

Applicant: Qian, et al.

Group Art Unit: 2611

Serial No.: 09/455,964

Examiner: Son P. Huynh

Filed: December 6, 1999

Title: A METHOD OF CREATING A SEMANTIC VIDEO SUMMARY USING INFORMATION
FROM SECONDARY SOURCES

RECEIVED

February 11, 2004

FEB 20 2004

Mail Stop Petitions
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

OFFICE OF PETITIONS

The above-identified application became abandoned for failure to timely file a response an outstanding Office Action within the statutory period of three months from the mailing date of the Office Action dated April 28, 2003. The abandonment date of this application is October 29, 2003 (i.e. the day after the expiration date set for reply).

**APPLICANT HEREBY PETITIONS
FOR REVIVAL OF THIS APPLICATION**

1. **Petition fee**

- Small entity fee of \$_____ (37 C.F.R. 1017(m))
- Small entity statement enclosed herewith.
- Small entity statement previously filed.
- Other than small entity fee \$ 1,300 ; (37 C.F.R. 1.17(m))

2. **Reply and/or fee**

A. The reply and/or fee to the above-noted Office Action in the form of an Amendment:

- has been filed previously on November 21, 2003, and/or
- is enclosed herewith.

B. The issue fee of \$_____:

- has been paid previously on.
- is enclosed herewith.

3. Terminal disclaimer with a disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995 no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 C.F.R. 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) equivalent to the number of months from abandonment to the filing of this petition is enclosed herewith.

4. Statement:

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional due to docketing error.

Dated: February 11, 2004



Kevin L. Russell
Reg. No. 38,292
Chernoff Vilhauer McClung & Stenzel
1600 ODS Tower
601 SW Second Avenue
Portland, Oregon 97204
Tel. No. (503) 227-5631

Enclosures:

- Reply:
"Renewed Petition under 37 CFR 1.137(B) (fee paid previously)
Petition to Revive application unintentionally abandoned
- A copy of the Amendment filed in Response to the April 28, 2003 Office Action;
- A copy of the USPTO's February 4, 2004 Office Action "ON PETITION"; and
- Acknowledgment Postcard

CERTIFICATE OF UNDER 37 CFR §§ 1.8(a) and 1.10

I hereby certify that, on the date below, this correspondence is being:

deposited with the United States Postal Service in an envelope addressed to:

Mail Stop Petitions, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on February 11, 2004 with sufficient postage as first class mail.

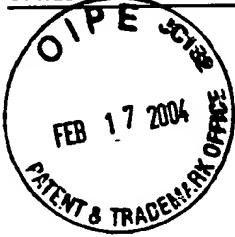
Date: February 11, 2004



Kevin L. Russell



UNITED STATES PATENT AND TRADEMARK OFFICE



KLR FEB 09 2004
7146

CHERNOFF, VILHAUER,
MCCLUNG & STENZEL

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Paper No. 12

CHARNOFF VILHAUER MCCLUNG & STENZEL, LLP
1600 ODS TOWER
601 S W SECOND AVENUE
PORTLAND, OR 97204

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FEB 04 2004

OFFICE OF PETITIONS

In re Application of
Qian et al.
Application No. 09/455,964
Filed: December 6, 1999
Attorney Docket No. KLR:7146.048

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 24, 2003, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely reply to the non-final Office action mailed April 28, 2003. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, this application became abandoned on July 29, 2003.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply,¹
- (2) the petition fee,
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.²

¹ In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

² See MPEP 711.03(c)(III)(C) and (D).

The instant petition lacks item (3). After a review of the file, it appears that petitioner did not include an actual petition under 37 CFR 1.137(b), but rather only indicated payment for one on the fee transmittal sheet. In this regard, the required unintentional delay statement was not included. Enclosed is a petition under 37 CFR 1.137(b) form, which also can be found on the USPTO website, for petitioner's convenience.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$950.00 extension of time fee submitted with the petition on November 24, 2003 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

Effective December 1, 2003, the Office of Petitions can no longer receive hand-carried correspondence, or facsimile transmissions of correspondence. The centralized location for hand-carried correspondence is the existing Customer Window located at:

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The centralized facsimile number is (703) 872-9306.

Telephone inquiries should be directed to Paralegal Liana Chase at (703) 306-0482.

Karen Creasy
Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: PTO/SB/64



~~COPY~~

Appl. No. : 09/455,964
Applicant : Richard Qian
Filed : December 6, 1999
Title : METHOD OF CREATING SEMANTIC VIDEO USING INFORMATION
FROM OTHER SOURCES
TC/A.U. : 2611
Examiner : Huynh, Son P.
Docket No. : 7146.0048

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

AMENDMENT

Dear Sir:

In response to the Office action of April 28, 2003, please amend the above-identified application as follows:

Amendments to the Specification are not included with this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Amendments to the Drawings are not included with this paper.

Remarks/Arguments begin on page 5 of this paper.

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1 (amended). A method of creating a semantic summary of a video comprising the steps of:

- (a) identifying a domain of said video;
- (b) using said domain to locate information related to said video at a source other than said video;
- (c) extracting a datum related to a semantic event from said information; and
- (d) identifying a portion of said video extracting content related to said semantic event from said video related to said datum.

2 (original). The method of claim 1 wherein said information is a textual summary of events.

3 (original). The method of claim 1 wherein said information is included in a worldwide web site.

4 (original). The method of claim 1 wherein said information is included in an electronic programming guide.

5 (original). The method of claim 1 wherein said domain is identified from an electronic programming guide.

6 (original). The method of claim 1 further comprising the step of selection of said datum by a user of said summary.

7 (amended). A method of abstracting video comprising the steps of:

- (a) locating an index of said video from a source external to said video;
- b) identifying a domain of said video for creating a video abstraction;
- (c) using said domain together with to identify in said index to identify portions of said video for inclusion in said video abstraction; and
- (d) extracting said identified portions of said video from said video to form said video abstraction.

8 (original). The method of claim 7 wherein said index is included in a worldwide web site.

9 (original). The method of claim 7 wherein said index is included in an electronic programming guide.

10 (original). The method of claim 7 further comprising the step of identification of said domain by a user of said abstraction.

11 (amended). A method of creating a semantic summary of a video comprising the steps of:

- (a) identifying a domain of said video;
- (b) using said domain to locate a textual summary of said video;
- (c) extracting a datum related to a semantic event relevant to said video summary from said textual summary;
- (d) locating content in said video corresponding to said datum; and
- (e) extracting said content related to said semantic event from said video corresponding to said datum from said video for inclusion in said a semantic summary including at least one portion of said video.

12 (amended). A method of abstracting video comprising the steps of:

- (a) locating an index of said video in at least one of a worldwide web site and a programming guide;
- (b) identification of a domain of said video for creating a video abstraction by a user ~~of said abstraction~~;
- (c) using said domain together with ~~to select in said index video to identify portions of said video~~ for inclusion in said video abstraction; and
- (d) extracting said identified portions of said video from said video to form said video extraction.

REMARKS

The Examiner rejected claims 1-4 and 6 under 35 U.S.C. Section 102(b) as being anticipated by Dodson et al., EP 0,848,554.

Dodson et al. teach a system for accessing television program information, such as context sensitive information using the Internet. See Dodson et al., abstract. For the domain of a "movie", the user may do a textual search for context sensitive information, such as the program title, actors, start time, end time, and director. See, Dodson et al., Figs. 2 and 3. The result of the textual search is an overlay 400 that includes a list of textual hits associated with the movie. See, Dodson et al. Fig. 4. As it may be observed, the textual hits include identification to further textual information that the user may desire to access, such as textual movie reviews, textual interviews with the actors, and a textual account of the directors' interpretation. When one of the textual hits is selected an overlay appears of that further textual information. See, Dodson et al. Fig. 5. Accordingly, Dodson et al. is directed to a textual search mechanism to locate additional textual information associated with the movie for display to the user.

Claim 1 patentably distinguishes over Dodson et al. by claiming a method of creating a semantic summary of a video that includes identifying a domain of the video; using the domain to locate information related to the video at a source other than the video; extracting a datum related to a semantic event from the information; and identifying a portion of the video related to the datum.

In contrast, Dodson et al. does not identify a portion of the video related to the datum, but rather the additional textual information is simply associated with the video as a whole.

Claims 2-6 depend from claim 1 and are patentable for the same reasons asserted for claim 1.

The Examiner rejected claims 7-10 and 12 under 35 U.S.C. Section 102(e) as being anticipated by Boyer et al., U.S. Patent No. 6,268,849.

Boyer et al. disclose an interactive television program guide for use by a user. A server provides the textual content together with multimedia clips of information

related to the shows identified within the program guide to the user as needed. See, column 2, lines 24-65. As illustrated in FIG. 8, the user may select among many different presentation formats. For example, the user may select a sporting event in progress and also receive real-time embedded data and any associated supplemental information. See, column 8, lines 57-62. This associated data is simply associated with the video as a whole. As illustrated in FIGS. 9 and 10, the user may navigate through the television program guide and ultimately view multimedia clips and supplemental information, such as statistics (see FIG. 10).

Claim 7 patentably distinguishes over Boyer et al. by claiming a method of abstracting video including locating an index of the video from a source external to the video and identifying a domain of the video for creating a video abstraction. Then using the domain together with index to identify portions of the video for inclusion in the video abstraction. Then extracting the identified portions of the video from the video to form the video abstraction.

Claim 12 patentably distinguishes over Boyer et al. for similar reasons.

Boyer et al. simply fail to suggest using the index together with identifying a domain to create the video abstraction from the video itself. Rather, Boyer et al. simply disclose a system by which video (multimedia) and textual information related to a video are accessible to the user.

Claims 8-10 depend from claim 7 and are patentable for the same reasons asserted for claim 7.

The Examiner rejected claim 11 as being anticipated by Schein et al., U.S. Patent No. 6,002,394.

Schein et al. in FIGS. 16A-20C disclose a electronic programming guide that includes the ability for navigation.

Claim 11 patentably distinguishes over Schein et al. by claiming extracting content related to the semantic event from the video corresponding to the datum for inclusion in a semantic summary including at least one portion of said video.

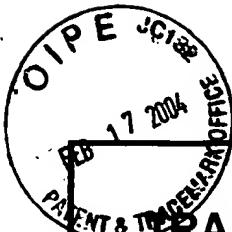
Schein et al. fail to suggest the extraction of video content from the video for a semantic summary based upon the datum.

The applicant respectfully requests that a timely Notice of Allowance be issued in this case. If the Examiner believes that for any reason direct contact with applicant's attorney would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the number below.

Respectfully submitted,
Chernoff Vilhauer McClung & Stenzel, LLP
1600 ODS Tower
601 SW Second Avenue
Portland, Oregon 97204

By: 

Kevin L. Russell
Reg. No. 38,292
Telephone No. (503) 227-5631
FAX No. (503) 228-4373



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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in this Submission

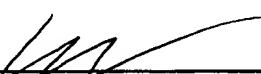
Application Number	09/455,964
Filing Date	December 6, 1999
First Named Inventor	Richard Qian
Group Art Unit	2611
Examiner Name	Huynh, Son P.
Total Number of Pages in this Submission	Attorney Docket Number 7146.0048

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee transmittal <input checked="" type="checkbox"/> Fee attached form	<input type="checkbox"/> Assignment Papers (for an application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Amendment <input type="checkbox"/> After Final/ Response	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Affidavits/Declaration(s)	<input type="checkbox"/> Licensing Related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosures (identify below)
<input type="checkbox"/> Certified copy of Priority Documents	<input type="checkbox"/> Terminal Disclaimer	Petition to Revive; and an Acknowledgment Postcard.
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Request for Refund	

Remarks:

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	Kevin L. Russell of Chemoff Vilhauer Mc Clung & Stenzel, LLP
Signature	
Date	November 21, 2003

CERTIFICATE OF MAILING

I hereby certify that, on the date shown below, this correspondence is being deposited with the United States Postal Service in an envelope addressed to: MAIL STOP PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313.

with sufficient postage as first class mail
 as "Express Mail Post Office to Addressee" - mailing label no. _____

Type or print name	Kevin L. Russell	Date	November 21, 2003
Signature			

O
FEB 17 2004
PATENTS TRADEMARKS OFFICE

FEET TRANSMITTAL for FY 2004

Effective 10/1/ 2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37CFR 1.27

Complete If Known	
Application Number	09/455,964
Filing Date	December 6, 1999
First Named Inventor	Richard Qian
Examiner Name	Huynh, Son P.

TOTAL AMOUNT OF PAYMENT **\$2,280**

Attorney Docket No. **7146.0048**

METHOD OF PAYMENT (check all that apply)				FEE CALCULATION (continued)																																																																																																																																																																					
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<input checked="" type="checkbox"/> Deposit Account Deposit Account Number 03-1550 Deposit Account Name Chernoff Vilhauer McClung & Stenzel				<table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th colspan="2">Fee Description</th> <th>Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee (\$)</th> <th></th> </tr> </thead> <tbody> <tr> <td>1051</td> <td>130</td> <td>2051</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> </tr> <tr> <td>1052</td> <td>50</td> <td>2052</td> <td>25</td> <td>Surcharge-late provisional filing fee or cover sheet</td> </tr> <tr> <td>1053</td> <td>130</td> <td>1053</td> <td>130</td> <td>Non-English specification</td> </tr> <tr> <td>1812</td> <td>2,520</td> <td>1812</td> <td>2,520</td> <td>For filing a request for ex-part reexamination</td> </tr> <tr> <td>1804</td> <td>920</td> <td>1804</td> <td>920</td> <td>Requesting publication of SIR prior to Examiner action</td> </tr> <tr> <td>1805</td> <td>1,840</td> <td>1805</td> <td>1,840</td> <td>Requesting publication of SIR after Examiner action</td> </tr> <tr> <td>1251</td> <td>110</td> <td>2251</td> <td>55</td> <td>Extension for reply within first month</td> </tr> <tr> <td>1252</td> <td>420</td> <td>2252</td> <td>210</td> <td>Extension for reply within second month</td> </tr> <tr> <td>1253</td> <td>950</td> <td>2253</td> <td>475</td> <td>Extension for reply within third month</td> </tr> <tr> <td>1254</td> <td>1,480</td> <td>2254</td> <td>740</td> <td>Extension for reply within fourth month</td> </tr> <tr> <td>1255</td> <td>2,010</td> <td>2255</td> <td>1005</td> <td>Extension for reply within fifth month</td> </tr> <tr> <td>1401</td> <td>330</td> <td>2401</td> <td>165</td> <td>Notice of Appeal</td> </tr> <tr> <td>1402</td> <td>330</td> <td>2402</td> <td>165</td> <td>Filing a brief in support of an appeal</td> </tr> <tr> <td>1403</td> <td>290</td> <td>2403</td> <td>145</td> <td>Request for oral hearing</td> </tr> <tr> <td>1451</td> <td>1,510</td> <td>1451</td> <td>1,510</td> <td>Petition to institute a public use proceeding</td> </tr> <tr> <td>1452</td> <td>110</td> <td>2452</td> <td>55</td> <td>Petition to revive - unavoidable</td> </tr> <tr> <td>1453</td> <td>1,330</td> <td>2453</td> <td>665</td> <td>Petition to revive - unintentional</td> </tr> <tr> <td>1501</td> <td>1,330</td> <td>2501</td> <td>665</td> <td>Utility issue fee (or reissue)</td> </tr> <tr> <td>1502</td> <td>480</td> <td>2502</td> <td>240</td> <td>Design issue fee</td> </tr> <tr> <td>1503</td> <td>640</td> <td>2503</td> <td>320</td> <td>Plant issue fee</td> </tr> <tr> <td>1460</td> <td>130</td> <td>1460</td> <td>130</td> <td>Petitions to the Commissioner</td> </tr> <tr> <td>1807</td> <td>50</td> <td>1807</td> <td>50</td> <td>Processing fee under 37 CFR 1.17(q)</td> </tr> <tr> <td>1806</td> <td>180</td> <td>1806</td> <td>180</td> <td>Submission of Information Disclosure Stmt.</td> </tr> <tr> <td>8021</td> <td>40</td> <td>8021</td> <td>40</td> <td>Recording each patent assignment per property (times no. of properties) - total assignments <u>1</u></td> </tr> <tr> <td>1809</td> <td></td> <td>2809</td> <td></td> <td>Filing a submission after final rejection (37 C.F.R. 1.129(a))</td> </tr> <tr> <td>1810</td> <td>770</td> <td>2810</td> <td>385</td> <td>For each additional invention to be examined (37 CFR 1.129(b))</td> </tr> <tr> <td>1801</td> <td>770</td> <td>2801</td> <td>385</td> <td>Request for Continued Examination (RCE)</td> </tr> <tr> <td>1802</td> <td>900</td> <td>1802</td> <td>900</td> <td>Request for expedited examination of a design application</td> </tr> <tr> <td colspan="4">Other fee (specify)</td> </tr> <tr> <td colspan="4">* Reduced by Basic Filing Fee Paid</td> </tr> <tr> <td colspan="4">SUBTOTAL (3) \$2,280</td> </tr> </tbody> </table>				Large Entity	Small Entity	Fee Description		Fee Paid	Fee Code	Fee Code	Fee (\$)	Fee (\$)		1051	130	2051	65	Surcharge - late filing fee or oath	1052	50	2052	25	Surcharge-late provisional filing fee or cover sheet	1053	130	1053	130	Non-English specification	1812	2,520	1812	2,520	For filing a request for ex-part reexamination	1804	920	1804	920	Requesting publication of SIR prior to Examiner action	1805	1,840	1805	1,840	Requesting publication of SIR after Examiner action	1251	110	2251	55	Extension for reply within first month	1252	420	2252	210	Extension for reply within second month	1253	950	2253	475	Extension for reply within third month	1254	1,480	2254	740	Extension for reply within fourth month	1255	2,010	2255	1005	Extension for reply within fifth month	1401	330	2401	165	Notice of Appeal	1402	330	2402	165	Filing a brief in support of an appeal	1403	290	2403	145	Request for oral hearing	1451	1,510	1451	1,510	Petition to institute a public use proceeding	1452	110	2452	55	Petition to revive - unavoidable	1453	1,330	2453	665	Petition to revive - unintentional	1501	1,330	2501	665	Utility issue fee (or reissue)	1502	480	2502	240	Design issue fee	1503	640	2503	320	Plant issue fee	1460	130	1460	130	Petitions to the Commissioner	1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	1806	180	1806	180	Submission of Information Disclosure Stmt.	8021	40	8021	40	Recording each patent assignment per property (times no. of properties) - total assignments <u>1</u>	1809		2809		Filing a submission after final rejection (37 C.F.R. 1.129(a))	1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	1801	770	2801	385	Request for Continued Examination (RCE)	1802	900	1802	900	Request for expedited examination of a design application	Other fee (specify)				* Reduced by Basic Filing Fee Paid				SUBTOTAL (3) \$2,280			
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SUBMITTED BY

Complete (if applicable)

Name (print type)	Kevin L. Russell	Registration No.	38,292	Telephone	(503) 227-5631
Signature				Date	November 21, 2003

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